(3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. /06 Single Benc

PETITIONER

1. Dwarika Prasad Soni S/o Bandhulal Soni aged about 50 years Occupation - service (Daily paid employee in PWD) R/o Village Temar Post office Temar , Tah. Sakti District Janjgir-Champa C.G
2. Nand Lal S ahu S/o Buddhuram aged about 52 years Occupation- Service (Daily paid employee in PWD) R/o Village darrabhata Post office Temar , Tah. Sakti District Janjgir-Champa C.G

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary & Ministry of Public Work Department D.K.S. Bhawan Raipur C.G
2. Chief Engineer Public Work Department, Bilaspur C.G.
3. Superintendent Engineer Public Work Department, Bilaspur C.G.
4. Executive Engineer Public Work Department Champa Division District- Janjgir-Champa C.G.
5. Sub-Divisional Officer Public Work Department Sub-Division Janjgir Champa C.G.

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WRIT PETITION UNDER ARTIC ALE 226/227 OF THE CONSTITUTION OF INDIA

(42)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 1477 OF 2006

Petitioners : Dwarika Prasad Soni & another

Versus

Respondents : State of Chhattisgarh & others

Present: Shri Yogendra Chaturvedi, counsel for the petitioners.
Shri G.K. Beriwal, Deputy Advocate General for the respondents / State.

ORAL ORDER

(28th March, 2006)

1. Learned counsel for the petitioners submits that the petitioners were working as Gangman in the Public Works Department. Vide order dated 2.4.2003, the respondents have decided that Gangman of Public Works Department should be retired from service, on completion of 30 years of service. The petitioners retired after completing 30 years of service.
2. Learned counsel for the petitioners submits that in W.P. No. 93/2005 (Bharatram Sahu and & others Vs. State of Chhattisgarh & others) and other connected matters vide order dated 15.9.2005 and further by order dated 16.1.2006 passed in M.C.C. No. 275/2005 (Latel Ram Kewat & others Vs. State of Chhattisgarh & others) this Court has considered similar points, involved in this petition and allowed the petitions. Learned counsel for the petitioners prays that the same relief be granted to the petitioners.

3. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondents are directed to allow the petitioners to perform their duty as Gangman, who were to retire on completion of 30 years of service, but have not attained the age of 60 years, to rejoin the service and continue till they attains the age of 60 years, subject to adjustment of the retiral benefits, if any, given to them. The retiral benefits, if any, paid earlier be deducted from the salary of the petitioners in installment at the maximum rate of 50% of the salary.

4. In view of the foregoing, the petition stands allowed in the above terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur